

**MINUTES
CITY OF ST. CHARLES, IL
GOVERNMENT SERVICES COMMITTEE MEETING
MONDAY, NOVEMBER 28, 2016, 7:00 P.M.**

Members Present: Chairman Turner, Aldr. Stellato, Aldr. Silkaitis, Aldr. Payleitner, Aldr. Lemke, Aldr. Bancroft, Aldr. Krieger, Aldr. Gaugel, Aldr. Bessner, Aldr. Lewis

Members Absent: None

Others Present: Raymond Rogina, Mayor; Mark Koenen, City Administrator; Peter Suhr, Director of Public Works; Chris Adesso, Asst. Director of Public Works - Operations; Karen Young, Asst. Director of Public Works – Engineering; AJ Reineking, Public Works Manager; Tom Bruhl, Electric Services Manager; Tim Wilson, Environmental Services Manager; James Keegan, Police Chief; Erin Mahan, Police Commander; Joseph Schelstreet, Fire Chief; Chris Minick, Director of Finance

1. Meeting called to order at 7:00 p.m.

2. Roll Call

K. Dobbs:

Stellato: Present
Silkaitis: Present
Payleitner: Present
Lemke: Present
Turner: Present
Bancroft: Present
Krieger: Present
Gaugel: Present
Bessner: Present
Lewis: Present

3.a. Electric Reliability Report – Information only.

3.b. Active River Project Update – Information only.

3.c. Tree Commission Minutes – Information only.

4.a. Discussion of 2016 Leaf Program Continuation.

AJ Reineking presented. As you recall, last year the City experienced almost nine inches of snow at this point and our leaf collection program ended by combating iced over leaf piles. This year, our program has been dampened by mild temperatures, which has resulted in leaves remaining on trees well into November. Public Works has received many calls and emails requesting provisions be made to collect the leaves that lingered beyond the third and final pick up. In response, we have reached out to our vendor, Kramer Tree Service to get a unit time and materials price to collect the remaining leaves. Kramer provided a price of \$3,450 per crew per day, not to exceed \$107,161 which is their contractual rate for one round of leaf collection.

Based on the leaves on the current, I would anticipate with four crews per day, Kramer could meet our needs in five to seven days. Staff also requested Advanced Disposal provide a lump sum price to do a bag collection on a weekly basis throughout the month of December. This program would require no stickers and be a typical curbside collection on their regular refuse day like the yard waste program. Advanced provided a price of \$24,500 to provide this service for one month of collection.

Any addition to the program would require a budget add from the refuse fund reserves. Chris Minick has confirmed there are sufficient funds to cover these expenses. Give these two options, or the option to do nothing, I would like to solicit feedback from the Committee to proceed.

Aldr. Stellato: I would simply like to make a motion to give Public Works permission to start immediately with a not to exceed price of \$107,161 plus the \$24,500 for bag fee for the month of December.

Aldr. Krieger: I think we should wait a few days to give people a chance to rake their leaves to the curb.

Aldr. Stellato: What I meant by immediately was that I don't want to wait for City Council on December 5 to get this approved because we are supposed to get snow that week, so I'm trying to stay ahead of that. Whatever date everyone prefers is okay with me.

Aldr. Payleitner: The \$24,500 for bag collection; is that with or without stickers?

Mr. Reineking: Without.

Aldr. Lewis: The motion is for both; curb pick up and the month of December?

Mr. Reineking: I also requested the motion include the budget addition for the combined \$131,661.

Chairman Turner: Mark, is this going to be full crews and then partial crews as needed?

Mr. Koenen: The program that is laid out by AJ and the Public Works Staff determines what the crews are at any given point in the process. AJ and staff from Kramer will determine how many we need to move through the City. Quite frankly, at this point, it's a balancing act of how quickly they can move through the City before it snows or freezes and how slowly they can go since we are paying per crew.

Mr. Reineking: By having the one contractual rate they will make sure they get through the City at least one time, and they have been good about going back for special requests as needed.

Aldr. Krieger: And we will be able to put bags out also?

Mr. Reineking: Correct.

Aldr. Lemke: Are we going to try to squeeze it in this week or give people some notice?

Mr. Reineking: I think some notice is necessary, but we are also looking freezing temperatures at night next week so we are combating notice and the weather, so we will do our best to make sure we get the word out. If we have to start this week and have them circle back again next week to give people ample time, I will work with Kramer to make sure we do the best we can to make sure everyone has time to get their leaves out.

Aldr. Silkaitis: When do we determine the dates for these pick ups?

Mr. Reineking: I have to provide the information for the DEN in August.

Aldr. Silkaitis: We can't predict the weather, but is there any way we can decide on the dates later in the year?

Mr. Reineking: I think next year we will advertise tentative dates and start looking at weather in October and the longer range forecasts and make adjustments as needed.

Aldr. Lewis: I like the idea of tentative dates next year and try to work within the time frame.

Chairman Turner: Being that this is a reserve draw, please call a roll.

K. Dobbs:

Lewis: Yes

Stellato: Yes

Silkaitis: Yes

Payleitner: Yes

Lemke: Yes

Bancroft: Yes

Krieger: Yes

Gaugel: Yes

Bessner: Yes

Motioned by Aldr. Stellato, seconded by Aldr. Bessner. Approved by voice vote.

Motion carried

4.b. Presentation to Consider Closing Walkway Path through Lots 5, 6, 13 and 14 of the Fox Glade Subdivision.

Chairman Turner: Let the record show that Aldr. Lewis is recusing herself from this discussion.

Peter Suhr presented. This is a continuation from last month in regards to the Fox Glade Court walkway. As you recall, this particular walkway is located in the Fox Glade Subdivision in Ward 2 and is adjacent to, and quite frankly on, four private properties. These four property owners contacted the City several months ago and requested us to consider closing that walkway. At our last discussion in October, the Committee asked staff for three things as a follow up: to hold another meeting with property owners and representatives from The Oaks to come to a compromise solution; to contact all the residents on Fox Glade Court and seek input from them; and to prepare a Resolution for vacating the walkway easement if you chose to do so tonight.

As requested we recently met with the property owners and representatives of The Oaks. We met at Public Works a couple weeks ago; several solutions were discussed, but the two parties could not come to any compromise solution. The homeowners remain firm in their position to close the walkway and The Oaks remain firm in their position to have the walkway remain open. In regard to contacting the residents of Fox Glade Court, please find in your packet a petition that was signed by all the residents on that road and those homeowners are in support of closing the walkway. Also please find in your packet a similar petition that The Oaks residents provided to us, identifying that most of the residents are in support of keeping the walkway open.

If you chose to vacate the City's interest in the walkway tonight, please find also in your packet a Resolution that was prepared by John McGuirk and that would be the action step that would be needed tonight.

Mayor Rogina: I had a conversation with Phil VanAcker, residents from The Oaks and others from the Fox Glade Community who contacted me personally. I've been looking at this carefully and the concerns you have to look at as a Committee. The one I raised last time as Mayor, and not a voting member of the Council is the idea of whether or not an easement has developed by law over the course of time, really by the fact that people have used these walkways for a long time. I think there are two distinct walkways here. From the City's point of view, if either or both of them were closed, someone could raise the issue that an easement was put in place by law and we are going to challenge that.

I looked at both walkways; the walkway that borders Mr. VanAcker's home is very close to his home. If traffic has increased, I can see it to be a nuisance and should be looked at. Then I looked across the street and saw the pathway into The Oaks which is a potential fire exit coming out of The Oaks and I tend to agree with that. I also saw two large fences and I saw they blocked out the houses on Fox Glade so they cannot look down at the people walking through The Oaks. Furthermore, I think that the pedestrian traffic that goes down that particular lane is predominately Oaks people, coming in and out.

I received an anonymous phone call from someone in Fox Glade; they said they thought a resolution should be worked out. I asked this person if we should close one path and keep the other one open, given the fact that the one is probably causing the most problematic situation with neighbors. In my own mind I don't think the path to The Oaks causes as much of a problem. I could be wrong, but that is my own opinion based on observation. As a compromise, I thought that might work. This person said to me "that's the right solution". I don't know if it is or not, but I'm offering a compromise to resolve this matter.

Aldr. Stellato: I thought that Government entities were protected from prescriptive easements; it would be like someone planting in the right of way. I don't believe you can do that and claim that property? Also, who assumes liability if someone gets hurt? Is it the City, or the homeowners?

Mr. Suhr: To answer your second question first, if you go back to the initial conversation a couple months ago, we identified that five years ago there was an indemnification clause that the City had signed over to those four homeowners at that time suggesting the liability would be the City's, because at that time, that was the homeowners main issue. How that holds up in court, I don't know.

Aldr. Stellato: So we are liable if someone gets hurt on that path.

Mr. Suhr: Yes, and I would agree with you on the prescriptive easement. The only thing is that again, we would have to defend that position at some point in time.

Aldr. Bancroft: To the prescriptive easement question; I'm reading in the provided materials "a walkway easement was created in the Fox Glade PUD Subdivision Unit 1 across portions of Lot 5, 6, 13 and 14 of that Subdivision". So there is a document on

record that creates an easement. That would be a question for Attorney McGuirk; does the fact that that it exists trump the idea of a prescriptive easement?

Aldr. Bessner: How many homes are on Fox Glade all the way to Roosevelt?

Mr. Suhr: 18.

Aldr. Bessner: The petition provided to us showed nine Fox Glade homeowners. I'm curious if the other nine didn't want it?

Mr. Suhr: That document was given to us; perhaps Mr. VanAcker would have the answer.

Mr. VanAcker: I'm Phil VanAcker, 1227 Fox Glade Court. The question that was raised at the last meeting was how many people north of the path would like it closed. I had everyone sign north of the path, a few people south. I also included the people on the Fellows stub – they live on Ash Street along the path, they both signed that they would like it closed.

When this easement was established in 1969, there were no houses built. In 1970, the 1227 house was built 3.75 feet onto the easement. In 1971 there was a grant of easement moving the easement south. In 1975 the house south was built on the easement and didn't pay attention to the easement being moved. Houses were built on this easement twice where they shouldn't have been built. There is a letter from Attorney Robin Jones; before you vote at the City Council meeting, I hope you take the time to read that letter.

Mr. Koenen: Going back to the prescriptive easement comment; in conversations with Robin Jones and more recently with John McGuirk – what makes that conversation more difficult is that the plat of subdivision never identified who the beneficiary was for the walkway easement, so although we took responsibility for liability because it would seem that we clearly have an interest, we aren't certain what the intent was when that was put on the plat. I think the concern about the prescriptive easement comes from the fact that we don't know who is out there who maintains a right of access because it was never specified. That is what Robin Jones put in her original letter and Attorney McGuirk has again opined on. This easement is on private property, it is not public land. The improvement on private land that we built five years ago for this walkway easement is City owned, much like the path along Riverside Avenue. It is on City property, but the Park District owns and operates the bike path.

Chairman Turner: Do we have utilities going through that easement?

Mr. Suhr: Yes we do; we have sanitary, water and electric on the side from Fox Glade Court to The Oaks, not to Fellows Street.

Aldr. Payleitner: As much as I appreciate the Mayor's compromise, I don't look at this pathway as being an escape route. I still look at it as a neighborhood connector and not

just between two neighborhoods, but between three. If we have it going from The Oaks to Fox Glade, then what; it looks like a dead end. I see it as a straight through, connecting the neighborhood by Ash.

Chairman Turner: I have the same problem as Aldr. Payleitner with the compromise; it doesn't go anywhere.

Frank Esposito: Frank Esposito, 64 White Oak Circle. I'm on the board at The Oaks. The board met after our meeting at Public Works. We have tried to think of everything we could with this situation. The Oaks is willing to put signage up stating it's not to be used dusk to dawn to cut down traffic and hopefully the Police can monitor that. We will contribute half of whatever the signage costs.

The Baker Community Center has just put up a covered walkway on the south side of the building. It occurred to me that this may be a solution here; if a structure was put up over these pathways with solid walls and a roof, it would eliminate anyone throwing garbage into their yards. In Mr. VanAcker's case, if that walkway was pushed a few feet south of his building and the side of the structure would be such that there would be no opening and then something planted along that way so that he could have access to the side of his building for repairs. If it is done aesthetically, we could take a bad situation and make it look nice.

Aldr. Lemke: It seems unnecessary for it to be curb to curb, but if a structure were built, even if were not roofed, there may be a way of mitigating the privacy issue. The dusk to dawn is prudent to my way of thinking. Doing so would allow us to still connect the neighborhoods.

Mr. Esposito: The only reason I suggested a roof was because that would eliminate a lot of the snow shoveling that is necessary on the path.

Chairman Turner: We have an easement there, but the homeowners actually own the land. So the City doesn't own the land?

Mr. Suhr: That is correct. The easement is for a walkway path, so if we did build a structure on that, we would have to consider zoning and we also would have to get both parties to agree to that structure because we would need an easement to put the structure on.

Aldr. Lemke: And there would be an impact if there ever needs to be access to utilities.

Mr. Suhr: Correct. These are some of the things we talked about at our compromise meeting. We went through a reiteration of 20 different options from signage to building structures. It was meant to discuss all opportunities and while it was productive, we didn't come to a resolution.

Aldr. Stellato: We are in a dilemma; no matter what has happened or how we got to this point, the walkway today, to me, is a nuisance. We had a similar situation in our neighborhood on the east side, between Rita and Cambridge there is a very wide walkway with no light, it was plenty wide, grass, fences on either side and the request from the neighbors was they felt it was dangerous because it was unlit at night so we worked with Public Works at the time to get a light put in the middle. When you look at that pathway compared to this, it looks like it's three times the size of this path. That was enough of a concern that the City put a light there to make it safer. The way this exists today – the fences are leaning in and the narrowness of it and its dark; this is a problem. We have to do something – we either improve it, we go to the homeowners and buy property to make it better or we close it. I don't see any other way. If someone gets hurt there, I would feel terrible about this because it's such a nuisance.

We are at a crossroads. We either have to improve it and make it safe or we have to shut it down.

Aldr. Gaugel: I went out and walked it also. I also walked the one in Aldr. Payleitner's neighborhood and they are completely different. This one is so tremendously close to these houses. It's a very difficult and unfortunate situation for either party; what I went back to as I walked through it was that I looked at who would suffer the greater hardship by closing the walkway or by leaving it open and to me, I came to the reasonable conclusion that if we left this open, the great hardship would be suffered by the Fox Glade homeowners. Aldr. Bancroft said it at our first discussion; this is just really poor planning and I don't believe that leaving this open is the best action.

Aldr. Silkaitis: I walked it Saturday myself. If we do close this, take out the sidewalk and grade it, people are still going to walk through there. How would we as a City prevent people from using?

Aldr. Bancroft: It's private property; they will police their own property – they can put a fence up.

Aldr. Bessner: Do we need input from everyone on Fox Glade Court if they want to close this or do we just take action?

Mr. Suhr: I think that is your prerogative; if you want us to contact the five or so homes that did not respond in that petition.

Aldr. Bessner: I don't know that that is your responsibility, I'm just wondering if we need to do it legally or if there is precedent where we have done that in the past. It's my belief that if there is not going to be a mutual agreement amongst the two parties, then the part that is falling on Fox Glade Court I believe it's up to them to decide, but at the same time, I really believe every homeowner that has an address on Fox Glade needs to agree or not agree to do it.

Mr. Koenen: The guidance that I was offered by Alan Landmeier when we vacated a couple alleys a long time ago said that we need to get every person on the block if you want to vacate an alley because their property abuts it and touches it. If you applied that practice here, I would suggest if you want to vacate this easement that is nameless in terms of beneficiary, you would certainly want to talk to the four property owners whose property abuts it and who has some inadvertent right to access.

Aldr. Bancroft: I don't think it could be said any better than the way Aldr. Gaugel said it in terms of balancing the interest and understanding who is going to be harmed and who is subject to harm. I agree with Aldr. Stellato; we have got to do something about it. We can't just let it sit the way it is. I make a motion to vacate the easement.

Aldr. Gaugel: Second.

Aldr. Payleitner: What are vacating exactly; the easement or the walkway?

Mr. Suhr: We are vacating our interest in the walkway easement; not the utility easement. The easement will still be there, but the City is vacating their interest in that easement.

Aldr. Payleitner: So they can't put a fence up if there is an easement, right?

Aldr. Stellato: I think they can. You keep the utility easement but the walkway easement goes away. You can put a fence on a utility easement.

Aldr. Krieger: Who is responsible for removal of anything currently in the easement? Would that become the homeowner's responsibility?

Mr. Suhr: We would remove the sidewalk and return it to grass at a cost of \$8,500 to \$10,000.

Mayor Rogina: Is it part of the motion to close both sidewalks?

Aldr. Bancroft: Yes, that is part of the motion.

Mr. Thornhill: I'm John Thornhill; I live at 44 White Oak Circle. Someone asked about the origin of this easement. On the plat of Fox Glade, a walkway easement was shown in 1969 when the Oaks wasn't there. So the expectation was to provide access to The Oaks. At the time, as it is today, the subdivision regulations do not allow cul-de-sac street more than 500 feet in length unless it has less than 16 lots. Fox Glade had 18 lots, it's 600 feet long, so presumably, a remedy for that was to put a walkway in to connect Fellows Street to the future development to the east which became The Oaks in 1975.

There is little doubt in our mind that this walkway easement has been of appurtenance to The Oaks since the first day. Mark is correct that the beneficiary of the easement was not

noted on the plat in 1969 as it would be today, but to vacate it would violate the subdivision regulation that is currently being enforced. As for the width of it, some of these walkway easements where the City does own the property, those are 20 feet wide. The width of this easement is 20 feet wide also, but as Phil indicated, when his house was built, it encroaches about 3.5 feet into the 20 foot easement, leaving 15-16.5 feet of available easement. Phil tells me there is 18 feet distance between his house and his house to the south; 18 feet would be enough room for an eight foot wide walkway easement and leaving five feet on each side north and south to the adjacent houses.

The bigger problem that we have tolerated in The Oaks; the fences in place have encroached on the easement for many years to the point where in one case there is only 3.5 feet of space between the stockade fences. If the fences would move back at least so there is an eight foot wide pathway, everyone would walk away from this with something that is acceptable. But to close the path may get the City out of the picture, but it will not remove the appurtenance to The Oaks; it's going to create another problem down the road. We do not feel that closing this is a wise move.

Mr. VanAcker: Aldr. Bessner, on that petition, the four people that live on the easement didn't sign it, so there are 17 people with driveways off of Fox Glade Court, 13 of them signed it, plus we have the two homeowners on Ash sign it. Also, Mr. Thornhill is right, the cul-de-sac is 613 feet. There are additional streets or courts in St. Charles that don't have emergency egress or secondary pathways; as an example, McKinley is 686 feet, South 5th Street is 586, etc. McKinley Street is right next to us and longer, and it has no egress.

Aldr. Bessner: I'm not against closing this easement if we can't come to a compromise; I agree something has to be done. Just for the record, I would like to see participation from everyone on Fox Glade.

Chairman Turner: Kristi, please call a roll on this motion to vacate.

K. Dobbs:

Stellato: Yes

Silkaitis: Yes

Payleitner: No

Lemke: No

Bancroft: Yes

Krieger: No

Gaugel: Yes

Bessner: No

Chairman Turner: It's a tie, so I'm going to exercise my option to vote. No matter which way we go on this, someone isn't going to be happy. I have to agree that this is a terrible plan. I vote yes to vacate the walkway easement.

This will not be finalized until City Council on December 5. You are welcome to come to that to do a final argument either way, but as of now this is going to City Council with a motion to vacate the walkway.

Aldr. Stellato: There are still a couple points in order; we still want to get clarification on the prescriptive easement. I was going to ask if Attorney McGuirk need more time to prepare this, if you want to bring it later in December or January, I don't know if there is any urgency at this point.

Chairman Turner: If our City Attorney can't give us a definitive answer on any questions we can delay this to the third Monday in December or the first Monday in January.

Motioned by Aldr. Bancroft, seconded by Aldr. Gaugel. Approved by voice vote.

Motion carried

4.c. Recommendation to approve Subsidy to the Homeowners Sewer Assistance Policy for the Homeowners at 1242 South 11th Street.

Chris Adesso presented. This is a follow up to a conversation at the July and September Government Services Committee Meetings. Public Works has been working with two residents, one on South 10th Street and one on South 11th Street. You all heard from those residents in July. They have been requesting a subsidy to the Homeowners Sewer Assistance Program. Last month, the Muckian's who live on South 10th Street did successfully complete their project and were reimbursed through a subsidy to the Homeowners Sewer Assistance Program. As of this month, the residents who live at 1242 South 11th Street completed their application and are requesting the same assistance from the City.

Staff recommends approving a subsidy to the Homeowners Sewer Assistance Policy for the homeowners at 1242 South 11th Street in the amount of \$1,890.

Chairman Turner: Aldr. Lewis has rejoined us. There is a motion on the table and seconded to approve a Subsidy to the Homeowners Sewer Assistance Policy for the homeowners at 1242 South 11th Street that was discussed last July.

Mr. Cohen: I'm Michael Cohen, 1242 South 11th Street. Thank you all for approving this; it is very much appreciated. There are a few people in particular I would like to thank. Chairman Turner, you are the first one. It was a few months ago that I told you my story and while the ball was rolling in the right direction, it was you who gave it a kick. It was your straightforwardness and your assertiveness in a very respectful manner that got this moving in the right direction to get this going quickly. Chris Adesso, thank

you; you have taken the time to walk my family through this process, you have communicated everything with us, you are straightforward, you got back to us in a timely manner, it was a display of excellent customer service. Aldr. Lewis, I found out through the grapevine that you said we should go with the low bid on this; your humbleness, your leadership, the care that you put in for the people you serve in your ward, thank you.

No further discussion.

Motioned by Aldr. Krieger, seconded by Aldr. Lemke. Approved by voice vote. **Motion carried**

4.d. Recommendation to approve Illinois Department of Transportation Resolution Regarding Non-Routine Maintenance Work Within the State Right of Way for 2017 and 2018.

Karen Young presented. This is a Resolution with IDOT that relates to all the work we perform within any of the IDOT right of way. IDOT requires the City approve a resolution every two years that agrees the City will perform all work within the right of way according to the IDOT permit requirements and the City will hold IDOT harmless for any of the work that we are performing. This resolution is valid through the end of 2018.

I would like to make a recommendation to approve an IDOT resolution regarding non-routine maintenance within the State right of way.

No further discussion.

Motioned by Aldr. Krieger, seconded by Aldr. Gaugel. Approved by voice vote. **Motion carried**

4.e. Recommendation to approve a Resolution for Kane County Community Development Fund Grant application.

Karen Young presented. Each year, Kane County offers a grant program to help improve the quality of life within Kane County. The most recent grant funding opportunity is the Community Development Fund Grant Program. We are recommending the City submit a grant application for the following locations: Fellows Street from Horne to South 13th, South 13th from Fellows to 12th Street and South 14th from Prairie to IL Rt. 38. The proposed improvements include our typical resurfacing program which will be roadway repaving, utility repairs, sidewalk and curb repairs. In addition, we would be replacing the watermain at the 13th and Fellows Street location due to break history that we have in that area.

Total project costs are about \$952,000. With that, we are looking to apply for a grant in the amount of \$220,000. These project locations are on our current ten year capital plan and are currently programmed to be constructed in FY17/18. Part of this application

requires the City to approve a Resolution in support of the application stating that if we do get the funding that we will move forward with the project.

I would like to make a recommendation to approve a Resolution authorizing an application to Kane County Community Development Grant and the City Administrator to be authorized to execute all necessary documents associated with that grant.

Aldr. Lewis: Can you tell me more about the watermain on Fellows and 13th?

Mrs. Young: Every time we look at a street to be repaired, we look at utility we have in that area whether it's storm, sanitary, water or electric; we work with each of our divisions to identify if there are any major repairs to our system, point repairs to the pipe or structure replacements. In that specific location, we have identified several watermain breaks over the years. It's an old watermain that is cast iron pipe that was put in with the original development. We have had several breaks over the years which causes outages for those residents, so as part of that it is identified in our plan to have that watermain replaced so we are going to do that as part of the overall project.

Aldr. Lewis: So that should clear up any problems that the homeowners have as far as water issues?

Mrs. Young: Yes.

Aldr. Lemke: What type of material is going to be spec'd for the replacement?

Mrs. Young: We are currently in the design process. It will depend on whether we decide to open cut the watermain or directional bore; if it's open cut it will be ductile iron pipe. If we decide to do some directional boring it would be an HTP pipe. We estimated the worst case scenario.

Aldr. Lemke: But certainly that means getting into the street in several places.

Mrs. Young: That is what we are in the process of looking at. We have to work around not only our own utilities, but also the private utilities in that area.

Aldr. Lemke: If it were ductile iron, would protection would be in place to reduce future corrosion?

Mrs. Young: Ductile iron watermain is poly wrapped and in locations where we have issues with corrosive soils. We also put anoid bags in there to protect the watermain and the facilities as well.

Chairman Turner: And we are going to look at the storm and sanitary in that area?

Mrs. Young: We already have; the estimates you have in your packet include all of the utility repairs necessary. We have minor repairs to the other utilities in both those locations which are typical as part of our street program improvements.

Chairman Turner: That is Basin 1; isn't that part of our sanitary sewer long term project?

Mrs. Young: Yes it is.

No further discussion.

Motioned by Aldr. Bessner, seconded by Aldr. Krieger. Approved by voice vote. **Motion carried**

4.f. Recommendation to award the Bid for Pole Testing to Osmose Utility Services, Inc.

Tom Bruhl presented. The City of St. Charles combined efforts with the City of Naperville to joint bid our pole testing services by combining our poles; they have 3,300 poles, so it more than doubled the quantity on the bid. The work was bid through the City of Naperville. The lowest bid was Osmose Utility Services; they are the same vendor that performed this work for us in 2006. The work is scheduled to take place in 2017.

Staff recommends awarding the bid for pole testing to Osmose Utility Services, Inc. in the amount of \$104,074.

Aldr. Krieger: I've never heard of pole testing before; what are they testing?

Mr. Bruhl: The poles rot from the inside, so they drill a small hole near the base of the pole at ground level to see if the wood is solid all the way to the center or if it's just a shell. They rate how much wall thickness is left along with how long you have to replace the pole.

No further discussion.

Motioned by Aldr. Lemke, seconded by Aldr. Bessner. Approved by voice vote. **Motion carried**

4.g. Recommendation to Waive the Formal Bid Procedure and award Purchase Order to Archon Construction for Landscape Restoration Services.

Tom Bruhl presented. A significant part of our operations involves digging holes. After the digging is complete, the quality of this landscape restoration is the premier issue with respect to customer satisfaction. In early 2016, the City changed our restoration process to improve customer service and timeliness by using a landscape crew that was

coordinated and worked for our directional boring contractor which digs the majority of our holes.

The contractor, Archon, performs the excavation work and then performs the landscape restoration within a very short timeframe after completion of the boring work. For standard grass restoration, we received a quote of \$3.95 per square foot regardless of depth. The rate was evaluated against other bids that we had including our previous time and material contractor, B&L. The work performed by Archon since we started in 2016 has been very high quality and we have received no customer complaints. In fact, all complaints about timeliness of the restoration have stopped. In the past, it would take three to five weeks after the digging for B&L to get there after excavation. Now, the restoration is done the next day.

In using them this fiscal year, we have gotten to the point where we exceeded the \$25,000 threshold, so I'm here today to ask to waive the formal bid procedure and award a purchase order in the amount of \$60,000.

Aldr. Gaugel: Can you clarify exactly how this works? So you issue a blanket order for the \$60,000 and then we release against it as needed?

Mr. Bruhl: When they make an excavation, it's easy for us to determine how large the area is and then call them to fix it.

Aldr. Gaugel: That was my next question; do we tell them or do they tell us? Who comes up with the final amount?

Mr. Bruhl: For this contractor, we are doing it after the fact because they are usually repairing it the next day and it's easy for us to measure based on the matting that is down. We are still using B&L to a lesser extent, but with them, we have to draw it up; it's very cumbersome.

Aldr. Lewis: I need clarification; this is only where the green boxes are put in? This isn't construction projects along roadways?

Mr. Bruhl: It could be any hole that we dig along the way.

Aldr. Lewis: Because there were issues a few months ago on Rt. 25 with the water project that it had to be re-landscaped. Would this be the company that was doing that?

Mr. Bruhl: I'm not sure who did the watermain work, but this is for the Electric directional boring contractor work only.

Aldr. Lewis: So not for tree planting or anything like that?

Mr. Bruhl: No; these are for the holes that are made in the effort of replacing cable or fixing a cable fault. But it's not always by a green box.

Aldr. Lewis: But it's for Electric only.

Mr. Bruhl: Correct.

Aldr. Lemke: This is just for more square footage. If they don't use all the square footage, it might not approach \$60,000?

Mr. Bruhl: That is correct.

No further discussion.

Motioned by Aldr. Bessner, seconded by Aldr. Gaugel. Approved by voice vote. **Motion carried**

4.h. Presentation of Completed Water Tower Project.

Tim Wilson presented. I'm here to give you a quick overview of the Red Gate Water Tower Project. In 2005 the City did a water system study and it was determined that the City was short on elevated water storage which is an EPA requirement. Later, the City went out for design and construction which was awarded to Engineering Enterprise. In 2013 the City asked for loan approval from the EPA and in 2015 construction started with CB&I for just under \$3.75 million. In 2016 the project was completed and we only had two change orders; one was for a mixing device that we didn't spec in the original bid and the other was a painting change.

The tower has a 100 year tank life and holds 1.5 million gallons daily and runs 50-100% full. It's 183 feet tall and when full of water, weighs 13 million pounds which is about 7,000 tons. The steel came from four states in the US; Minnesota, Texas, Iowa and Alabama. Some benefits of the tank are increased water pressure as well as increased fire protection. It also reduces pumping in two of our wells; we are actually able to shut those pumps off to give the aquifer some rest.

Some fun facts: There were 64 concrete piles driven into the ground that are 60 feet deep which is about 6 ½ stories tall. 301 cubic yards of concrete was used; 600 gallons of paint; 141 steel sheets which is 80 semi-truck loads. Total surface area is about one football field. If we were to lose power, we would be able to provide the City with water for about 13 hours.

Aldr. Stellato: Since this process has started, I've been paying attention to water towers. I'm surprised at how many are painted white and how many are molding from the bottom; I think our design is fantastic.

Aldr. Lemke: I noticed the same thing, and I think we are very fortunate we can camouflage that.

Aldr. Gaugel: I came onto Council long after this was planned but was involved with the paint change order. While we all didn't agree, the one thing I think we all can agree on is that staff did an outstanding job regarding customer service. We had residents in the Fox Glen subdivision who requested a change; Peter and his staff were very accommodating. I appreciate it and the residents have expressed their appreciation to me as well.

Chairman Turner: Is this taking any pressure off the east side industrial park wells?

Mr. Wilson: No; those run about the same. There is more pressure relief to the wells just down the street from the tower.

No further discussion.

Motioned by Aldr. Krieger, seconded by Aldr. Lemke. Approved by voice vote. **Motion carried**

5.a. Recommendation to approve Modifications to Fees Related to Towing and to Amend Ordinance Title 10 – Vehicles and Traffic, Section 10.58 – Towing Services.

Eric Mahan presented. In accordance with the Towing Service Ordinance, the Police Department conducts an annual survey of towing fees for Police authorized tows. We have done that and found we are mostly consistent with surround municipalities except for six fees on the list which we are requesting to be modified and also the Police Department is recommending changes to the Towing Service Ordinance some modifications required by a new State law requiring all Police Departments to have a tow rotation list. We have had a tow rotation list in place, but there are some new requirements as to how the tow rotation list is administered.

Aldr. Lewis: In the Ordinance under Dispatching from a place of business; this goes back to my concerns that two trucks are parked in front of residential homes where the person may live. Is that considered their place of business just because they live there?

Cmdr. Mahan: Most of the tow companies have an on-call tow operator that would respond from their home. The Ordinance requires the dispatch from the place of business from a reasonable distance away. There is nothing that would prohibit them from being able to respond from their home.

Aldr. Lewis: But because of our new Ordinance of the overnight parking from 10:00 pm to 7:00 am, they have to get this tow truck to fit in their driveway, correct?

Cmdr. Mahan: Correct.

Aldr. Lewis: So if it doesn't fit in their driveway, they can't park it on the street all night and dispatch from their home?

Cmdr. Mahan: Correct; they have to find an alternate location to park that truck or as you said, park it in their driveway.

Aldr. Lewis: Are we finding they are in compliance with that since we have put these new Ordinances in effect?

Cmdr. Mahan: There are a couple locations where we had complaints with tow trucks parked in the street and I think those have gone away.

Aldr. Payleitner: Most of these are clean up after an accident, is that right?

Cmdr. Mahan: The first three are standard tow fees based on the weight of the vehicle. Then there is the clean-up fee, yes.

Aldr. Payleitner: So those are vehicles involved in a vehicle accident.

Cmdr. Mahan: Yes.

Aldr. Payleitner: Are we then reimbursed by insurance companies in that situation?

Cmdr. Mahan: This is just a list of companies that we have to respond for those situations. The City doesn't actually pay the bill; it goes to the vehicle owner.

Aldr. Lemke: Are there a number of companies authorized to do this?

Cmdr. Mahan: We currently have three on our rotation list. We don't have any plans at the moment to change from that.

Aldr. Lemke: They all have the proper equipment to do tows based on weight?

Cmdr. Mahan: Yes, they have the equipment to do standard tows. One of the companies does have a heavy weight capability. The law and the Ordinance allows for us to go outside those companies if there is something they can't handle. Tri Com Dispatch has a list of tow companies in the area that can handle specialty situations.

No further discussion.

Motioned by Aldr. Stellato, seconded by Aldr. Bancroft. Approved by voice vote.

Motion carried

6. Executive Session.

None.

7. Additional items from Mayor, Council, Staff or Citizens.

Chairman Turner: There will not be a December Government Services Committee meeting.

Aldr. Krieger: I would like to say that the trees and planters were dressed beautifully for the parade.

Aldr. Lewis: I would like to say a huge thank you for the clean up after the parade. Sunday morning it didn't look like anything had even happened.

8. Adjournment from Government Services Committee Meeting.

Motion by Aldr. Stellato, seconded by Aldr. Bancroft. No additional discussion. Approved unanimously by voice vote. **Motion carried.**